

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 13-CR-192 (RTR)

MARIANO MEZA,

Defendant.

PROPOSED VOIR DIRE QUESTIONS

Pursuant to Fed. R. Crim. P. 24(a), counsel for Mariano Meza submits the following questions for voir dire. The voir dire process is essential to ensuring a defendant receives a fair and impartial trial. And as part of that process, a defendant is entitled to inquire into the background and attitude of jurors to the extent necessary to intelligently exercise his peremptory challenges. *United States v. Dellinger*, 472 F.2d 340, 368 (7th Cir. 1972). Separate questioning of each prospective juror will facilitate counsel's intelligent use of peremptory challenges pursuant to Rule 24(b) and ensure that voir dire meets constitutional standards.

*Federal Defender Services
of Wisconsin, Inc.*

Meza submits the following questions to be asked of the prospective jurors during the voir dire examination in this case, supplementing the questions that will be asked as part of the juror questionnaire:

I. BACKGROUND

A. Residence

1. Where do you currently live?
2. How long have you lived there?
3. Do you own or rent?
4. Do you live with friends or family?
5. How long have you lived in Wisconsin?
6. Where have you lived in the last 10 years?

B. Education/Employment

1. What is the highest level of education you have completed?
2. Have you ever received training or education, or been employed, either on a paid or volunteer basis in:

Corrections/Jail/Prison
Court System
Immigration
Law

If yes, please explain what that training/education/employment was.

3. Have you or a relative or close friend ever been employed by the government (federal, state or local)? If yes, what agency and in what capacity? What were your duties? How long were you employed there?
4. Do you have any special education, knowledge or experience with respect to counseling or treating alleged crime victims? If yes, please explain.
5. What is your current job or occupation? If you are retired, what was your last job or occupation? If you are currently unemployed, what is your customary work?
6. In your employment, have you been a supervisor of others? What was that experience like?
7. Have you ever owned your own business? Please describe your business. Please describe your experience owning your own business.
8. Were you ever in the military? Please describe the nature of your service.

C. *Family*

1. What is your marital status? (Single, Married, Separated, Divorced, Widowed, Unmarried but living with significant other)
2. If married, how long have you been married?
3. If divorced or widowed, how long were you previously married?
4. If living with significant other, how long have you lived with this person?

5. What is your spouse's or significant other's job or occupation? If he/she is retired or unemployed, what was his or her occupation?
6. What is his/her highest level of education?
7. If previously married, what was your former spouse's occupation?
8. Do you have children, stepchildren, or foster children? If yes, how old are they? Do any of them live at home? What do they do for a living?
9. As a child, were you able to approach a parent or older adult relative/caregiver to discuss uncomfortable or sensitive topics? Why or why not?
10. As a child/young adult, do you recall your parent(s)/relative/caregiver shielding you from uncomfortable or sensitive topics or were such topics discussed freely within your home?

D. Knowledge of Anyone in This Case or Media Exposure

1. Do you know any other member of the jury panel or any other person in the court room today?
2. Do you know (insert list of witnesses)?
3. Since filling out the jury questionnaire, have you discussed this case with anyone?

II. VIEWS ON IMMIGRATION

1. Do you agree or disagree with current immigration policy?
2. What experiences, if any, have shaped your view on immigration or immigrants living in the United States?

2. Do you think our government effectively enforces border security?
4. Do you have any reaction when you hear individuals speaking Spanish in the grocery store, at a restaurant, or in other public places? If yes, please explain.
5. Do you have a prior experience with immigration that would make it difficult for you judge this case impartially?

III. CRIMINAL JUSTICE EXPERIENCE

1. Have you ever taken any courses or received training in law, law enforcement, or criminology? If yes, what courses?
2. Have you or anyone close to you ever worked for, volunteered with, or considered working for any law enforcement agency in any capacity? If yes, please describe that experience.
3. Have you, a family member, or close friend had a positive or negative experience with the police, law enforcement, or a prosecutor's office? If yes, please explain that experience.
4. Do you have any negative feelings about the criminal justice system? If yes, why?
5. Do you have any negative feelings about criminal defense attorneys? If yes, why?
6. Do you have any negative feelings about the United States Attorney's Office or prosecutors in general? If yes, why?
7. Do you have any particularly positive feelings about the criminal justice system, police, or prosecutors? If yes, describe the experience that brought about those feelings.
8. Have you ever been accused of something you did not do? If so, how did you respond?

9. Have you ever been a witness to a crime, filed a report with a police officer or other law enforcement agency, or had contact with a prosecutor's office? If yes, please explain.
10. Have you or anyone close to you ever been the victim of a crime, whether it was reported to law enforcement authorities or not? If yes, please explain that experience.
11. Have you or anyone close to you been a suspect in, arrested for, or charged with a criminal offense (other than a minor traffic violation)? If yes, please explain that experience.
12. Have you or anyone in your immediate family ever been involved in a lawsuit, including a divorce? If yes, please explain.
13. Have you ever served on a jury before? If yes, was it a civil or criminal case? How long ago was it? Where was it? Did you reach a verdict? Were you the foreperson?

IV. INTERESTS

1. Do you belong to any associations in which you are active? If so, what are they?
2. Have you ever held public office? If yes, what office and when?
3. Do you have any bumper stickers on your car? If yes, describe them.
4. Have you ever posted on any blogs or posted comments on news stories or other blog postings on the internet? If yes, what blogs or news stories?
5. Do you regularly follow the news? What sources do you turn to for news?
6. Is there any other information about your background, experience or opinions that the court has not inquired about that may impact your ability to be a fair and impartial juror?

Dated at Milwaukee, Wisconsin this 31st day of July, 2014.

Respectfully submitted,

/s/ Julie K. Linnen

Julie K. Linnen, WI Bar #1085029

Federal Defender Services

Of Wisconsin, Inc.

22 East Mifflin Street, Suite 1000

Madison, Wisconsin 53705

Tel: (608) 260-9900

E-mail: julie_linnen@fd.org

COUNSEL FOR Mariano Meza